

## Yackulic, Ted

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**From:** Yackulic, Ted  
**Sent:** Tuesday, May 13, 2014 8:34 AM  
**To:** Justin D. Leonard; Frederick.Phillips@USDOJ.GOV  
**Cc:** Kenneth Eiler; Feldman, Stephen (Perkins Coie); Shawn Ryan  
**Subject:** RE: ABSORBENT - Signed settlement  
**Attachments:** final with signatures.pdf

I just received word that the settlement was published in the Federal Register today. Here is a link I was sent:

[https://www.federalregister.gov/articles/2014/05/12/2014-10844/proposed-cercla-administrative-cost-recovery-settlement-absorbent-technologies-site-albany-or?utm\\_content=previous&utm\\_medium=PrevNext&utm\\_source=Article](https://www.federalregister.gov/articles/2014/05/12/2014-10844/proposed-cercla-administrative-cost-recovery-settlement-absorbent-technologies-site-albany-or?utm_content=previous&utm_medium=PrevNext&utm_source=Article)

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I've also attached is a pdf of the final AOC. This includes the changes that were made while the settlement was being reviewed by the Department of Justice. Thanks.

Ted Yackulic, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Phone: 206-553-1218  
yackulic.ted@epa.gov

**From:** Justin D. Leonard [mailto:jleonard@ml-llp.com]  
**Sent:** Tuesday, April 29, 2014 5:57 PM  
**To:** Yackulic, Ted; Frederick.Phillips@USDOJ.GOV  
**Cc:** Kenneth Eiler; Feldman, Stephen (Perkins Coie); Shawn Ryan  
**Subject:** ABSORBENT - Settlement Status? / Update re D&O Claim & Denial

Ted & Fred,

I've not heard from you in a while regarding our settlement. Is review/approval still pending? Please update us on status.

In the meantime, I wanted to give you a heads-up on a D&O policy that we recently learned about. Despite a pollution exclusion, we submitted a notice of claim that was just denied. For background, I've attached the claim we made (forwarded by the following email), the referenced exhibits (including the policy itself), and the denial letter we received last week.

When one of you had asked during the settlement process, I previously advised that we did not have any other assets or other coverage besides the policies and denial letters that we previously forwarded. However, that was before we learned about this D&O policy (which was not scheduled as an asset by the Debtor) and Mr. Moffenbeier's claim on it, based on the EPA's demand letter to him. Not that this necessarily changes things (particularly in light of the denial and the inability so far of finding a coverage attorney to challenge the insurance company's denial), but as a potential asset of the Estate, I wanted to advise you of it.

I look forward to hearing from you regarding a status update when you have a moment.

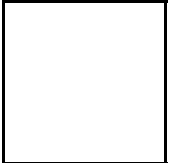
Regards,

Justin

- - -

**Justin D. Leonard**

Admitted in Oregon, Washington & Idaho



**[McKittrick Leonard LLP](#)** | Commercial Bankruptcy & Business Law

111 SW Columbia, Ste. 1100 | Portland, OR 97201

P [971.634.0190](tel:971.634.0190) | F [971.634.0250](tel:971.634.0250) | D [971.634.0192](tel:971.634.0192)

----- Forwarded message -----

From: **Justin D. Leonard** <[jleonard@ml-llp.com](mailto:jleonard@ml-llp.com)>

Date: Tue, Apr 15, 2014 at 1:24 PM

Subject: ABSORBENT - Revised Claim TEMP82581 under Navigator's Policy #NY12DOL617813IV

To: [navproclaims@navg.com](mailto:navproclaims@navg.com)

Cc: Kenneth Eiler <[kenneth.eiler@7trustee.net](mailto:kenneth.eiler@7trustee.net)>, "Carroll, Cindy" <[Cindy.Carroll@willis.com](mailto:Cindy.Carroll@willis.com)>

Navigators Pro Claims Dept.,

Please see the attached letter and enclosures, identical to our April 8, 2014 letter (assigned Claim No. TEMP82581), but now including an additional (5th) referenced exhibit that I just noticed had been inadvertently excluded from the original claim/letter.

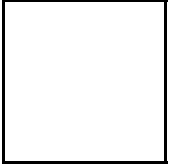
Thank you,

Justin

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----- Forwarded message -----

From: **Justin D. Leonard** <[jleonard@ml-llp.com](mailto:jleonard@ml-llp.com)>

Date: Tue, Apr 8, 2014 at 4:05 PM

Subject: ABSORBENT - Claim under Navigator's Policy #NY12DOL617813IV

To: [navproclaims@navg.com](mailto:navproclaims@navg.com)

Cc: Kenneth Eiler <[kenneth.eiler@7trustee.net](mailto:kenneth.eiler@7trustee.net)>, "Carroll, Cindy" <[Cindy.Carroll@willis.com](mailto:Cindy.Carroll@willis.com)>

Navigators Pro Claims Dept. -- please see the attached letter and enclosures.

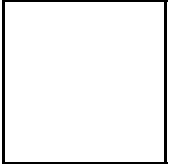
Thank you,

Justin

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